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Attorneys for Plaintiffs KELLY TOPPING and MAX
WADMAN

** Counter-Defendant's and Defendants' counsel listed after the caption.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAX WADMAN and KELLY
TOPPING,

Plaintiffs,

v.

DISCOVERY BAY YACHT HARBOR,
LLC; NEW DISCOVERY, INC.;
DISCOVERY BAY MARINA
PROPERTIES, a California General
Partnership; KEN HOFMANN; WALTER
L. YOUNG; RONALD DAWSON;
WALTER L. YOUNG and MARY C.
YOUNG, TRUSTEES OF THE YOUNG
REVOCABLE TRUST DATED
FEBRUARY 11, 1999; AND DOES 1-100,
inclusive,

Defendants.

Case No. C14-5035 WHA

STIPULATION AND REQUEST FOR
ORDER SETTING DATE AND TIME FOR
FRCP RULE 34 INSPECTION OF
PLAINTIFF MAX WADMAN'S CHAIR;
AND ~~PROPOSED~~ ORDER THEREON

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Attorneys for Defendant/Counterclaimant
DISCOVERY BAY YACHT HARBOR, LLC,
and Defendant KEN HOFMANN, individually

COMES NOW Plaintiff/Counterdefendant KELLY TOPPING and Plaintiff MAX
WADMAN (collectively "Plaintiffs"), and Defendant/Counterclaimant DISCOVERY BAY YACHT
HARBOR, LLC ("Defendant DBYH"), and stipulate as follows:

1. On October 2, 2015, pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant DBYH served on Plaintiffs a Request to Inspect "All wheel and pushchairs plaintiff Max Wadman has in his possession, custody or control for his use, including the pushchair he allegedly rolled off the dock in at the time of the incident giving rise to this lawsuit". This Notice to Inspect designated the Inspection for November 3, 2015, at 9:00 am at the offices of Defendant DBYH's counsel of record's office ("Defendant's Counsel's Office").
2. Plaintiffs initially objected to this inspection, but subsequently withdrew their objection and agreed to produce the pushchair Plaintiff MAX WADMAN allegedly rolled off the dock in at the time of the incident giving rise to this lawsuit (the "Pushchair") at Defendant's Counsel's Office from 9:00 am to 2:00 pm, on November 10, 2015.
3. Defendant's Counsel agreed to and did pay for the cost for a courier to deliver the Pushchair to and from Defendant's Counsel's Office.
4. On November 10, 2015, Plaintiffs produced the Pushchair at Defendant DBYH's Counsel's Office but it was incomplete, in that it was missing its removable footrests.
5. On November 10, 2015, Defendants' counsel notified Plaintiffs' counsel of the

1 incomplete nature of the Pushchair.

- 2 6. Plaintiffs subsequently agreed to produce the complete Pushchair on November 17, 2015,
3 from 11:00 am to 2:00 pm, at Defendant DBYH's counsel's office.
- 4 7. On November 17, 2015, Defendants were notified by the delivery service that they had
5 gone to Plaintiff Wadman's home to collect the Pushchair and Mr. Wadman said the
6 complete Pushchair was not available.
- 7 8. Defendant DBYH incurred the cost of the delivery service to call at Mr. Wadman's
8 house, along with the cost of its consultant.
- 9 9. Plaintiffs and Defendant DBYH hereby stipulate and request that this Court Order that
10 Plaintiffs' cause the complete Pushchair to be delivered at Plaintiff's expense to
11 Defendant's Counsel's Office from 9 am to 2 pm on December 17, 2015.

12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

13 Dated: December 8, 2015

LAW OFFICES OF PAUL L. REIN
Attorneys for Plaintiff/Counterdefendant
KELLY TOPPING and Plaintiff MAX
WADMAN

14 By: 

15 Celia McGuinness

16 Dated: December 8, 2015

17 THE DERBY LAW FIRM P.C.
Attorneys for Plaintiff/Counterdefendant
KELLY TOPPING and Plaintiff MAX
WADMAN

18 By: 

19 Steven L. Derby

20 Dated: December 8, 2015

21 COX, WOOTTON, LERNER,
22 GRIFFIN & HANSEN, LLP
Attorneys for Defendant/Counterclaimant
23 DISCOVERY BAY YACHT HARBOR LLC, and
24 Defendant KEN HOEMANN

25 By: 

26 Rupert P. Hansen

1 Pursuant to Local Civil Rule 5.1, this ECF filer hereby attests that he has on file all holographic
2 signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-
3 filed document.

4 PURSUANT TO STIPULATION, IT IS SO ORDERED.

5 DATED: December 9, 2015.

6 
United States District Judge William Alsup